

## BAILEY &amp; DELORD.

MAY 14, 1858.

Mr. S. S. MARSHALL, from the Committee of Claims, made the following

## REPORT.

*The Committee of Claims, to whom was referred the petition of William Bailey and Henry Delord, formerly merchants and partners selling goods in Plattsburg, New York, "praying compensation for merchandise furnished the soldiers stationed at Plattsburg in 1814-'15," have had the same under consideration and beg leave to report:*

The claim of the heirs of Michael Johnson, reported on *adversely* by your committee, was one, in every respect, similar to the claim of Bailey & Delord, which has been before Congress for the last twenty-five years. The evidence shows that Bailey & Delord furnished a large amount of merchandise to the officers and soldiers of the United States army, upon the assurance of the officers that they should be paid so soon as the troops received their money. The credit was evidently given the men, though induced by the personal assurance of the officers that they would aid in securing payment. The amount furnished is not established by satisfactory evidence, nor is it shown how much was eventually paid for by the soldiers. Estimates are made by one or two witnesses, but not based upon any *data*. The papers of Bailey & Delord are proven to have been destroyed by fire in 1825. But your committee believe that if the amount could be accurately ascertained, it would still be no claim against the government. As was shown in the case of the heirs of Michael Johnson, "the troops were supplied with rations not by commissaries, but by contractors; and that for supplying the troops in the portion of the State of New York wherein Plattsburg is situated, from the 1st June, 1814, to the 31st May, 1815, William D. Cheever was the contractor, and on file with his accounts there are found to be regularly certified monthly abstracts of issues of complete rations to the troops at Plattsburg for the whole time."

On the 10th of April, 1840, Mr. Hubbard reported from the Committee of Claims as follows:

*"The Committee of Claims, to whom was referred House bill No. 43, 'for the relief of William Bailey, survivor of Bailey & Delord,' report:*

*"That the claim in this case, and the evidence upon which it rests, are fully set forth in the printed reports accompanying the bill. After*



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A careful examination, your committee can see no reason for allowing any part of the petitioner's claim. They cannot recognize any justice in the principle upon which its payment is advocated—that the United States are bound to make good to individuals losses which they may have sustained by extending credit to the officers and soldiers of the army. The risk of non-payment for the credits given in this case belongs exclusively to the petitioners, and the profits charged were, or ought to have been, commensurate with the risk. Although the practice has not been entirely uniform, the United States have in some instances heretofore refused to make remuneration to sutlers for losses incurred by trusting soldiers in the army, and have declined to pay them the wages due to soldiers who had deserted, died, or were discharged, in their debt. Much less can it be expected that they should make up, after the lapse of more than twenty years, the losses sustained by individual creditors, in no way connected with the police of the army, or subjected to its regulations. They therefore recommend the indefinite postponement of the bill."

Your committee, concurring fully in the above report, report back the said petition to the House and ask to be discharged from its further consideration.